UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,409	03/30/2001	Andrew Rodney Ferlitsch	SLA0360	3201

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/681,409	FERLITSCH ET AL.
	Examiner	**Art Unit**	
	Saeid Ebrahimi-dehKordy	2626	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 March 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _6/28/01, 6/6/02_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claim 1-5,8-10 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yacoub (U.S. patent 6,552,813)

Regarding claim 1 Yacoub discloses: disclose: A method for detecting the

status of printers on a network (please note column 11 lines 28-53) using print

processor said method comprising the acts of: sending a signal to a print processor

(please note column 11 lines 35-45 where the virtual printer in the client queries the

server for the status of the printers in the network) and detecting the status of printers

on a network from said print processor to determine the availability of said printers

(please note column 4 lines 53-67 and column 5 lines 1-2).

Regarding claim 2 Yacoub discloses: The method of claim 1 wherein said signal

is a print task (please note column 8 lines 46-67 and column 9 lines 1-5 and specifically

column 9 lines 46-63)

Regarding claim 3 Yacoub discloses: The method of claim 1 wherein said detecting comprises obtaining network print queue information (please note column 12 lines 8-24).

Regarding claim 4 Yacoub discloses: The method of claim 1 wherein said detecting comprises bidirectional communication between a print processor a port manager and a printing device (please note column 11 lines 19-51).

Regarding claim 5 Yacoub discloses: The method of claim 1 wherein said detecting comprises accessing data from a Management Information Base (MIB) (please note column 11 lines 45-51).

Regarding claim 8 Yacoub discloses: A method of improving the probability of successful print task completion using a status detecting print processor, said method comprising: sending a print task to a print processor (please note column 11 lines 35-45 where the virtual printer in the client queries the server for the status of the printers in the network) detecting from said print processor the status of a plurality of printing devices (please note column (please note column 11 lines 39-46 where the virtual printer resident in the client or the processor or server queries the status of the printers in the network) and directing said print task to an available printing device among said plurality of printing devices (please note column 4 lines 53-58 where the print job is sent to the available printer).

Regarding claim 9 Yacoub discloses: The method of claim 8 wherein said status of a plurality of printing devices is presented to a user for selection of one or more

available devices and said directing directs said print task to a device selected by said

user (please note column 11 lines 35-52).

Regarding claim 10 Yacoub discloses: The method of claim 8 wherein a default

printing device is selected by a user prior to said detecting and said directing directs

said print task to said default device when said default device is available (please note

column 4 lines 53-58).

Regarding claim 17,19 and 20 Yacoub discloses: A computer readable medium

comprising instructions for performing functions within a print processor, said

instructions comprising the acts of: interpreting print task data (please note column 4

lines 15-24) and detecting the status of printing devices (please note column 11 lines

36-46).

Regarding claim 18 Yacoub discloses: The computer readable medium of claim

17 further comprising instructions for the act of redirecting a print task from its original

destination to at least one other destination (please note column 4 lines 53-58).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub (U.S.

Patent 6,552,813) in view of Schaeffer (Pub. No.: 20040105122)

Regarding claim 6 Yacoub dose not quite disclose: The method of claim 1 wherein said detecting comprises communication with a printing device using a protocol selected from the group consisting of Simple Network Management Protocol (SNMP), Remote Management (RMON) and Internet Printing Protocol (IPP). On the other hand Schaeffer discloses: The method of claim 1 wherein said detecting comprises communication with a printing device using a protocol selected from the group consisting of Simple Network Management Protocol (SNMP), Remote Management (RMON) and Internet Printing Protocol (IPP) (please note page 3 paragraph 0036 lines 11-16 where the SNMP protocol is used to ping the printer).

Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Yacoub's invention according to the teaching of Schaeffer, where Schaeffer in the same filed of endeavor teaches the way the communication between the client and the printers is modified for the purpose of using the different protocols to communicate more effectively between devices in the network.

Regarding claim 7 Schaeffer discloses: The method of claim 1 wherein said detecting comprises the use of an Application Program Interface (API) call (please note page 6 paragraph 0057).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub

(U.S. patent 6,552,813) in view of Schaeffer PUB. No. 20040105122) and further in view of

Utsunomiya (PUB. No. 20040042042)

Regarding claim 11 Neither Yacoub nor Schaeffer disclose: The method of claim

8 wherein said print processor may also modify a print task to enable cluster printing

functions. On the other hand Utsunomiya discloses: The method of claim 8 wherein said

print processor may also modify a print task to enable cluster printing functions (please

note page 1 paragraph 0015 lines 1-4).

Therefore it would have been obvious to a person of ordinary skill in art at

the time of the invention to modify Yacoub and Schaeffer's invention according to the

teaching of Utsunomiya, Where Utsunomiya in the same filed of endeavor teaches the

way the print job which was send through the client to the different printers could be

clustered and send to the plurality of printers for the purpose of making the printing

process faster

Regarding claim 12 Utsunomiya discloses: The method of claim 11 wherein said

modifying said cluster printing functions comprise job splitting (please note page 1

paragraph 0015 lines 1-3).

Regarding claim 13 Utsunomiya discloses: The method of claim 11 wherein said

modifying said cluster printing functions comprise copy splitting (please note page 1

paragraphs 0018&0019).

Regarding claim 14 Utsunomiya discloses: The method of claim 11 wherein said

detecting determines a number of available printing devices and said modifying divides

said initial print task into a number of modified print tasks equal to said number of

available printing devices (please note page 1 paragraph 0018).

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claim 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakai et al

(U.S. patent 6,697,165)

Regarding claim15 Wakai et al disclose: A method for improving printing system

capability and performance without addition of hardware or modification of application

software, said method comprising: removing a non-status-detecting print processor

(NPP) from a printing system; and replacing said NPP with a status-detecting print

processor (SDPP) (Please note column 22 lines 1-15 where the inactive printer is being

replaced with the ready printer).

Regarding claim 16 Wakai et al discloses: The method of claim 15 wherein said

SDPP is also cluster enabling (please note column 22 lines 22-55).

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claim 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Utsunomiya

(Pub. No.: 20040042042)

Regarding claim 21 Utsunomiya discloses: A method of printing using a status detecting print processor, said method comprising: selecting a preferred printer group (please note page 2 paragraph 0024 lines 4-6) modifying said print task to enable cluster printing thereby creating a plurality of modified print tasks (please note page 1 paragraph 0015 where the print job is cluster or divided to plurality of jobs) detecting from said print processor the status of a plurality of printing devices comprising said preferred printer group (please note page 2 paragraph 0024 lines 3-6) directing said modified print tasks to said preferred printer group when all of the printers within said preferred printer group are available (please note page 2 paragraph 0023, and 0024 lines 1-6) and forming a second group of printers comprising the available printers within said preferred group and other available printers and sending said modified tasks to said second group when said second group comprises a sufficient number of printers to print said modified print tasks (please note page 2 paragraph 0024 lines 7-14 where user could select the printers with the different paper size).

Regarding claim 22 Utsunomiya discloses: The method of claim 21 further comprising selecting a group of backup printers from which said other available printers may be chosen (please note page 2 paragraph 0024 lines 6-12).

Regarding claim 23 Utsunomiya discloses: The method of claim 21 further comprising reconfiguring said modified print tasks to require fewer printers when a sufficient number of available printers cannot be found (please note page 2 paragraph 0024).

Regarding claim 24 Utsunomiya discloses: The method of claim 21 further comprising forming a third group of printers comprising any available printers from said preferred group any other available printers and any busy printers and directing said modified print tasks to said third group (please note page 2 paragraphs 0021-0025).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claim 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsunomiya (Pub. No.: 20040042042) in view of Yacoub (U.S. patent 6,552,813)

Regarding claim 25 Utsunomiya does not quite discloses: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period. On the other hand Yacoub discloses: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period (please note column 11 lines 61-67 and column 12 lines 1-3). Therefore it would have been obvious to a person of ordinary skill in art at the time

of the invention to modify Utsunomiya's invention according to the teaching of Yacoub, where Yacoub in the same filed of endeavor teaches Kojima the way the job send from the client will wait for the printer to become available and if not the processor searches to find the most available printer for the purpose of getting the job printed faster.

Regarding claim 26 Yacoub discloses: The method of claim 21 further comprising activating a user prompt to solicit user input (please note column 11 lines 28-67 and column 12 lines 1-3).

Contact Information

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (703) 306-3487.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (703) 305-4863.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, or (703) 308-9052 (for *formal* communications; please mark
"EXPEDITED PROCEDURE")

Or:

(703) 306-5406 (for *informal* or *draft* communications, please label "PROPOSED" or "DRAFT")
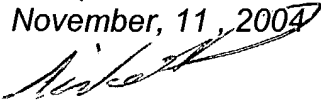
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
November, 11 , 2004

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER